



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 1990

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. David England
Council President
Stewartstown Borough
P.O. BOX 415
Stewartstown, PA 17363

Dear Mr. England:

The Environmental Protection Agency (EPA) has been requested by Senator Arlen Specter to respond directly to your September 25, 1990 letter to him concerning the EPA's underground storage tank (UST) regulations and your question of why municipalities were not exempt from them. The Agency's Office of Underground Storage Tanks completed the UST regulations over two years ago, and therefore is in the best position to respond to your letter.

Let me first confirm that there is an exemption in the EPA regulations for USTs storing less than 1100 gallons of motor fuel for "non-commercial" purposes. This farm and residential small tanks exclusion comes directly out of the Federal statute (the Resource conservation and Recovery Act, as amended, section 9001(1)(A)). However, this exemption did not extend to small underground storage tanks owned by municipalities and EPA determined there was no technical basis to broaden in the regulations the law's specific exemption in this area.

For your information the EPA regulations do not apply to above ground tanks of any size. Thus, in your letter you may be referring to tank requirements that have been passed by the State of Pennsylvania. Of course the State can be different or even more stringent than EPA's regulations in this area. For further information about possible Pennsylvania requirements we suggest you contact the following person:

Mr. Foster Diodato
PA Dept. of Environmental Resources
Bureau of Water Quality Management
Storage Tank Section